

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

☐ THE PEOPLE OF THE STATE OF ILLINOIS

or

☐ A MUNICIPAL CORPORATION

vs.

CASE NO. _____

Defendant/Petitioner

ORDER TO EXPUNGE AND SEAL

Charge: _____ Date of Arrest: _____

Arresting Authority: _____

ID No: _____

Date of Birth: _____ Sex: _____ Race: _____

Return Records To:

(Name of Defendant/Petitioner)

(Street)

(City) (State) (Zip Code)

THIS CAUSE comes before the Court on the Defendant/Petitioner's Petition to Expunge and Seal. The Court being fully advised, **FINDS:**

1. The Defendant/Petitioner has complied with the provisions of 20 ILCS 2630/5.
2. The Defendant/Petitioner has not previously nor subsequently been convicted of *any* criminal offense or any municipal ordinance violation and there are no criminal charges pending against Defendant/Petitioner at the present time.
3. The Defendant/Petitioner was arrested by the Arresting Authority on the date and for the offense offense stated above.

4. ☐ The Defendant/Petitioner was acquitted or released without being convicted; OR
- ☐ The Defendant/Petitioner was released without conviction following a sentence of supervision, for the offense of:
- ☐ 625 ILCS 5/3-707 Operating an Uninsured Motor Vehicle, or
 - ☐ 625 ILCS 5/3-708 Suspended Registration for Noninsurance, or
 - ☐ 625 ILCS 5/3-710 Displaying of False Insurance, or
 - ☐ 625 ILCS 5/401.3 Failure of Scrap Dealer to Keep Records, or
 - ☐ 625 ILCS 5/11-503 Reckless Driving, or
 - ☐ 720 ILCS 5/12-3.2 Domestic Battery, or
 - ☐ 720 ILCS 5/12-15 Criminal Sexual Abuse, or
 - ☐ 720 ILCS 5/16A-3 Retail Theft;
- and it has been FIVE years since the successful discharge and dismissal from supervision; **OR**
- ☐ The Defendant/Petitioner was released without conviction following a sentence of probation for the offense of:
- ☐ 720 ILCS 550/10 Section 10 of the Cannabis Control Act, or
 - ☐ 720 ILCS 570/410 Section 410 of the Illinois Controlled Substance Act, or
 - ☐ 720 ILCS 5/12-4.3 (if charged before January 1, 1996) Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (Aggravated Battery of a Child, as those provision existed before deletion by Public Act 89-313), or
 - ☐ 20 ILCS 301/40-10 Section 40-10 of the Illinois Alcoholism and Other Drug Dependency Act when the judgment of conviction has been vacated, or
 - ☐ 720 ILCS 646/70 Section 70 of the Methamphetamine Control and Community Protection Act,
- And it had been FIVE years since the successful termination of probation; **OR**
- ☐ The Defendant/Petitioner was released without conviction following a sentence of supervision for an offence which is not set forth in the previous paragraphs, and it has been TWO years since the successful discharge and dismissal from supervision.
5. The Defendant/Petitioner was not granted supervision for or conviction of (1) driving under the influence; or (2) and sexual offense committed against a minor under 18 years of age as a result of this arrest. Sexual offense committed against a minor includes but is not limited to the offense of indecent solicitation of a child or criminal sexual abuse when the victim of such offense is under 18 years of age.
6. The Defendant/Petitioner has paid all fines, costs, fees and restitution in the underlying case.
7. The Defendant/Petitioner has paid all costs and fees for the filing of this Petition, or has been granted a fee waiver by the Court.
8. The Defendant/Petitioner has served notice on the Arresting Authority, the Department of the State Police, the State's Attorney and the Chief Legal Officer of the unit of local government affecting the arrest and

- ☐ that none of said agencies has filed an objection to the Petition to Expunge and Seal within 30 days from the date of Notice; OR
- ☐ that this Court, having heard evidence in the matter, finds that the records should be expunged and sealed.

IT IS THEREFORE ORDERED as follows:

- A. That the Petition to Expunge and Seal the Defendant's arrest record is granted, and the official records be expunged or sealed as follows:
 - 1. The Clerk of the Circuit Court **SHALL SEAL** all records of the Petitioner together with all photographs, fingerprints and other records of identification taken as a result of the arrest and obliterate the Petitioner's name from the official index required to be kept by the Circuit Clerk under Section 16 of the Clerk of Courts Act.
 - 2. The Department of State Police **SHALL EXPUNGE** all records of the Petitioner together with all photographs, fingerprints and other records of identification taken as a result of the arrest **UNLESS** the disposition is one enumerated in Paragraph B. That said expunged law enforcement records shall be returned to the Defendant/Petitioner or the Defendant/Petitioner's attorney.
 - 3. The Arresting Authority **SHALL EXPUNGE** all records of the Petitioner together with all photographs, fingerprints and other records of identification taken as a result of the arrest. That said expunged law enforcement records shall be returned to the Defendant/Petitioner or the Defendant/Petitioner's attorney.
 - 4. That the Arresting Agency shall request the return of any other law enforcement records relating to the incident set forth in the Petition which has been transferred to the Federal Bureau of Investigation or any other law enforcement agency as a result of said arrest and return them to the Defendant/Petitioner or the Defendant/Petitioner's attorney.
- B. That the Department of the State Police, however, shall not expunge but only **SEAL** those records that result in a disposition of supervision for a violation of Section 3-707, 3-708, 3-710, 5-401.3 or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Section 12-3.2, 12-15 or 16A-3 of the Criminal Code of 1961, or those records that result in a disposition of probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substance Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961, and Section 40-10 of the Illinois Alcoholism and Other Drug Abuse and Dependency Act when the judgment of conviction has been vacated.
- C. That any arrest records **SEALED** by the Department of the State Police may be disseminated only as required by law or to the Arresting Authority, State's Attorney or Court upon the Defendant/Petitioner's later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction, the Department of Corrections shall have access to such sealed records pertaining to Defendant/Petitioner.

D. That any records **SEALED** by the Clerk of the Circuit Court shall be inspected only upon order of the court upon good cause shown.

ENTERED: _____, 20_____.

JUDGE